

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 12/5/05
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DIANE HODGES, MARKEYTA WICKER and KELLI
WILLIAMS,

Plaintiffs,

-against-

**STIPULATION AND ORDER
OF SETTLEMENT AND
DISCONTINUANCE**

05 CV 628 (AKH)

THE CITY OF NEW YORK, THE NEW YORK CITY
POLICE DEPARTMENT, POLICE OFFICER CHARLES
CARLSTROM, POLICE OFFICER THOMAS SCHICK,
POLICE OFFICER ALISON ESPOSITO AND POLICE
OFFICERS JOHN DOE NUMBERS 1-5, UNKNOWN
AND INTENDED TO BE OTHER NEW YORK CITY
POLICE OFFICERS INVOLVED IN THE
OCCURRENCE HEREIN,

Defendants.

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WHEREAS, plaintiffs Diane Hodges, Markeyta Wicker, and Kelli Williams commenced this action, by filing a complaint on or about January 18, 2005 alleging that certain of their federal and state rights were violated; and

WHEREAS, defendants have denied any and all liability arising out of plaintiffs' allegations; and

WHEREAS, plaintiffs and defendants now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

WHEREAS, no party herein is an infant or incompetent for whom a committee has been appointed; and

WHEREAS, plaintiffs have authorized counsel to settle this matter as against defendants on the terms enumerated below:

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by
and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed as against defendant the City of New York, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. The City of New York hereby agrees to pay plaintiffs the sum of Ninety-Five Thousand Dollars (\$95,000) in full satisfaction of all claims as against defendants, including claims for costs, expenses and attorney fees. The settlement monies shall be allocated as follows: Diane Hodges, Thirty Thousand Dollars (\$30,000), Kelli Williams, Thirty Thousand Dollars (\$30,000) and Markeyta Wicker, Thirty-Five Thousand Dollars (\$35,000). In consideration for the payment of this sum, plaintiffs agree to dismissal of all the claims against defendants City of New York, New York City Police Department, Alison Esposito, Thomas Schick, and Charles Carlstrom, and to release defendants City of New York, New York City Police Department, Alison Esposito, Thomas Schick, and Charles Carlstrom, any present or former employees or agents of the New York City Police Department and the City of New York, from any and all liability, claims, or rights of action arising from and contained in the complaint in this action, including claims for costs, expenses and attorney fees.

3. Plaintiffs shall execute and deliver to the defendants' attorney all documents necessary to effect this settlement, including, without limitation, releases based on the terms of paragraph "2" above, and Affidavits of No Liens on behalf of plaintiffs Diane Hodges, Markeyta Wicker, and Kelli Williams.

4. Other than as set forth in paragraph "2" above, plaintiffs and their counsel, or any party in privity with either of them, shall have no recovery for any damages, injury, equitable or other relief, or fees or costs in connection therewith.

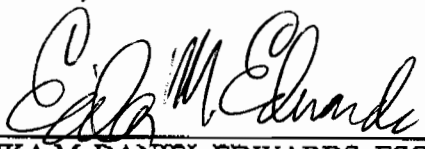
5. Nothing contained herein shall be deemed to be an admission by defendants that they have in any manner or way violated plaintiffs' rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

6. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York.

7. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
November 14, 2005

Erika McDaniel Edwards, Esq.
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Attorney for Plaintiffs
103 East 125th St., Suite 1102
New York, NY 10035

By: 
ERIKA McDANIEL EDWARDS, ESQ.
(0960)

SO ORDERED: 12/4/05


U.S.D.J.

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